

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

STEPHEN RODRIGUEZ-VALDEZ,

Petitioner,

v.

Civil Action No. **3:13CV385**

ERIC WILSON,

Respondent.

MEMORANDUM OPINION

Stephen Rodriguez-Valdez, a federal inmate proceeding *pro se*, filed this petition under 28 U.S.C. § 2241 (hereinafter, “§ 2241 Petition,” ECF No. 1). Rodriguez-Valdez challenges his conviction of an institutional infraction. (§ 2241 Pet. ¶¶ 5–6.) On November 25, 2014, the Magistrate Judge issued a Report and Recommendation that recommended granting Respondent’s Motion for Summary Judgment and dismissing the action. The Court advised Valdez that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Rodriguez-Valdez has not responded.

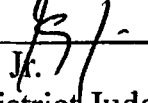
“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this

Court may adopt a magistrate judge's recommendation without conducting a de novo review. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, the Report and Recommendation will be ACCEPTED and ADOPTED. The Motion for Summary Judgment will be GRANTED. Rodriguez-Valdez's claims and the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: 1/14/15
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
United States District Judge